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Serial No. 10/049,328
Response to Office Action of August 24, 2005

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ATTACHMENTS

B. Ferrandes et al. "Metabolism of Progabide in Four Animal Species and in Man" in L.E.R.S. Vol. 3, pages 217-229.

REMARKS

With this amendment, claims 1-3, 5-13, 15-18 and 26 are pending in the application. Claims 1, 11, 18 and 26 are the only claims in independent form. Claims 4, 14 and 27-39 are hereby canceled.

Applicant affirms that the subject matter of the various claims was commonly owned at the time of the invention.

Remarks Directed to Rejection of Claims 1-3, 5-13 and 15-18 under 35 U.S.C. §112

Claims 1-3, 5-13 and 15-18 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement due to amendment of the claims to include the proviso that the compound [α-(chloro-4'phenyl) fluoro-5' hydroxyl-2-benzylidene-amino]-4 butyramide is not a compound included in a claimed invention. Applicant hereby amends claims 1, 11 and 18 to delete reference to this compound and therefore submits that the rejection is moot. Applicant respectfully requests that this rejection be withdrawn.

Remarks Directed to Rejection of Claims 1-3, 5-13, 15-18 and 26 under 35 U.S.C. §103(a) over Aebischer et al.

Currently, claims 1-3, 5-13, 15-18 and 26 stand rejected under 35 U.S.C. §103(a) over Aebischer et al. (U.S. Patent 5,474,547). Aebischer et al. is cited for teaching the alleviation of movement disorders associated with Parkinson's and Huntington's diseases through the administration of GABA, GABA agonists and GABA potentiators by implantation of devices. (Paper No. 01122004, page 3, last paragraph, maintained Paper No. 08182005, page 2, last

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paragraph). The Examiner asserts that "broad claim language" of claims directed to "an effective amount of the compound gamma-aminobutyramide, analogs, substituted forms, derivatives, the pharmaceutically acceptable salts, esters, amides and prodrugs thereof" includes "the GABA, GABA agonists and GABA potentiators of Acbischer et al." Claims 1, 11, and 18 are hereby amended to clarify that methods are provided according to the present invention which include administration of the compound gamma-aminobutyramide or a pharmaceutically acceptable salt thereof.

In order "[t]o establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." (MPEP 2143)

The pending claims teach the use of gamma-aminobutyramide (GABAmide) in certain disorders including spastic disorders, convulsions, epilepsy, idiopathic dystonia and torsional dystonia.

Applicant finds no apparent description of use of gamma-aminobutyramide in the Aebischer et al. reference. Thus, the Aebischer et al. reference does not appear to teach or suggest all the limitations of the present claims. It is therefore submitted that no *prima facie* case of obviousness is established and it is respectfully requested that the rejection as to claims 1-3, 5-13, 15-18 and 26 under 35 U.S.C. §103(a) over Aebischer et al. be withdrawn.

Remarks Directed to Rejection of Claims 1-3, 5-13, 15-18 and 26 under 35 U.S.C. §103(a) over Bergmann

Currently, claims 1-3, 5-13, 15-18 and 26 stand rejected under 35 U.S.C. §103(a) over Bergmann (*Clinical Neuropharmacology* Vol. 8, pages 13-26). Bergmann is cited as teaching "Progabide is metabolized to α chloro-4'phenyl fluoro-5 hydroxy-2-benzylidene amino 4 butanoate sodium and then to GABAmide." (Paper No. 08182005, page 5, second paragraph).

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In order "[t]o establish a prima facie case of obviousness ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference ..." (MPEP 2143)

The pending claims teach the use of gamma-aminobutyramide (GABAmide) in certain disorders including spastic disorders, convulsions, epilepsy, idiopathic dystonia and torsional dystonia.

In contrast to the present claims, the Bergmann reference does not appear to teach or suggest the administration of gamma-aminobutyramide in a method to treat the cited disorders. Instead, Bergmann teaches the use of progabide and describes several metabolites of progabide, including the corresponding acid ([\alpha chloro-4'phenyl fluoro-5 hydroxy-2-benzylidene amino]-4-butanoate sodium, gamma-aminobutyramide, and GABA. (Bergmann, page 14).

As the present specification makes clear, "dissolving PROGABIDE in a solvent" generates "gamma-aminobutyramide and an insoluble ketone." (Page 11, lines 13-14). Administration of progabide results in the insoluble 4-chlorophenyl-5-fluoro-2-hydroxyphenylmethanone ketone in a treated individual, an undesired compound as a metabolite. The statements in the specification are supported by B. Ferrandes et al., *L.E.R.S.* Vol. 3, pages 217-229, a copy of which is appended to this amendment. The Bergmann reference does not appear to recognize this undesired product of progabide administration, and further, does not teach or suggest the administration of gamma-aminobutyramide to avoid this problem. In addition, Bergman does not appear to teach or suggest the administration of gamma-aminobutyramide as advantageous due to the fact that "[t]his compound is significantly more stable and has a longer half-life than PROGABIDE ..." (present specification page 11, lines 16-17). The fact that the Bergmann reference makes it clear that Bergmann knew about gamma-aminobutyramide but describes the uses and advantages of progabide emphasizes the nonobviousness of the methods of the present invention directed to gamma-aminobutyramide administration.

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Thus, it is submitted that the Bergmann reference does not provide suggestion or motivation to modify the reference to use gamma-aminobutyramide as detailed in the present application. Rather, Bergmann does not teach problems associated with administration of progabile or advantages to administration of gamma-aminobutyramide.

The Examiner describes the instant application as containing dependent claims that differ from the Bergmann reference in describing intrathecal administration, intraventricular administration, administration by an implantable pump and administration by a spinal catheter. (Paper No. 08182005, page 5, second paragraph). Bergmann is described as teaching that "gastric-resistant formulations of progabide have been shown to result in incomplete absorption and lower serum levels." (Paper No. 08182005, page 5, second paragraph). It is asserted that "[s]ince the gastric-resistant formulations result in incomplete absorption, it would have been obvious to administer the compound by parenteral means." (Paper No. 08182005, page 5, second paragraph).

Applicant notes that the Bergmann reference describes "varying formulations of progabide" and describes the problem of incomplete absorption and lower, fluctuating serum levels as relating to only one type of formulation, the gastric-resistant formulation. Bergmann goes on to describe a micronized tablet formulation which "yields constant serum levels, better absorption and a somewhat shorter half-life ..." in contrast to the gastric-resistant formulation. (Bergmann, pages 14-15). Thus, Bergmann does not appear to teach or suggest limitations of oral formulations or systemic administration generally, limiting the description of a problem to a specific oral formulation only.

Thus, it is submitted that the Bergmann reference does not provide suggestion or motivation to modify the reference to administer gamma-aminobutyramide by intrathecal administration, intraventricular administration, by an implantable pump or by a spinal catheter as

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detailed in the present application and as such represents a separate basis for allowability of the pending dependent claims.

It is therefore submitted that no *prima facie* case of obviousness is established and it is respectfully requested that the rejection as to claims 1-3, 5-13, 15-18 and 26 under 35 U.S.C. §103(a) over Bergmann be withdrawn.

Summary

Claims 1-3, 5-13, 15-18 and 26 are pending in the present application. Claims 1, 11, 18 and 26 are the only claims in independent form. Claims 4, 14 and 27-39 have been canceled and claims 1, 11 and 18 have been amended. Applicant submits that the present claims are believed to be in condition for allowance. Therefore, allowance of the pending claims and the passing of this application to issuance are solicited. Should the Examiner find to the contrary or have suggestions as to how to form of a pending claim may be improved, she is respectfully requested to contact the undersigned attorney to resolve any remaining issues.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being forwarded to the United States Patent

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JANICE R. KUEHN

LERS. Vol. 3, edited by G. Bartholini et al. Raven Press. New York & 1985

Metabolism of Progabide in Four Animal Species and in Man

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The comparison of metabolic patterns in various animal species and man is

an essential step during the development of a new drug.

The study of the metabolic degradation of a given molecule not only is of primary importance to validate the choice of an adequate animal species for toxicological studies but also permits a better understanding of the pharmacological profile of the new molecule and may help to shed some light on toxic phenomena observed during toxicological studies in animals and long-term administration to man. The identification of active metabolites and the definition of their pharmacokinetic profiles may lead to an improved understanding of the duration of action of a new drug and of additional effects not necessarily linked to the primary mechanism of action of the parent drug. Identification of highly reactive intermediates may be useful for a better definition of the mechanisms underlying possible toxic reactions in target organs as well.

With these prospective goals, the metabolism of progabide was investigated in four animal species (mouse, hamster, rat, and baboon) and in man. We report here the results of these studies together with data on the kinetics of pro-

gabide and its major active metabolite.

MATERIAL AND METHODS

Radioactive Compounds

Balance and metabolic studies were conducted in man and animals with ¹⁴C-progabide labelled in the benzophenone moiety (progabide B).

Additional studies were performed, in animals only, with ¹⁴C-progabide labelled in the GABAmide side chain (progabide G). These compounds (Fig. 1) were obtained with a specific radioactivity of 43.6 mCi/mmole (progabide B) and 58.1 mCi/mmole (progabide G) from the radiochemical unit of L.E.R.S.

(Bagneux, France).

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PROGABIDE

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PROGABIDE

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Animal Studies

Balance Studies

Balance Studies

Color color seed by the same routes of administration with 194 kf go of 14C progabide G. During these studies, urine and feces were colors.

Solor color seed by the same routes of administration with 194 kf go of 14C progabide G. During these studies, urine and feces were colors.

Solor color seed by the same routes of administration with 194 kf go of 14C progabide G. During these studies, urine and feces were colors.

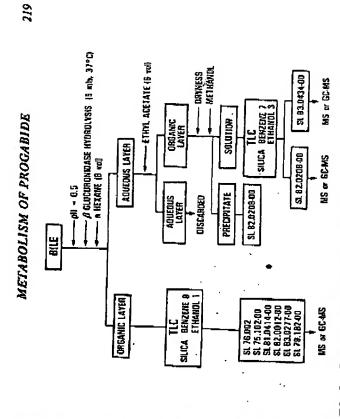
Solor color color and animal until complete recovery of the administration. 1 dose. The elimination of ¹⁴CO₂ in the expired air was also measured in 57 id beboons after administration of progabide G together with the residsignativity present in the carcasses of the rats.

Estations

Estations The state of the compounds, the analysis was performed after direct introgenting on the compounds, the analysis was performed after direct introgents of the metabolites or gas chromatography—mass spectrometry of their trimethy silyl derivatives using a Girdel 32 gas chromatogen by the corped with a Ribermag R 10-10/SIDAR mass spectrometer. The corpe sed structures.

Spritative study

The relative amounts of metabolites in biological samples were estimated in ouse, hamster, rat, and baboon after intravenous or oral administration of 20



Separation and purification of radioactive metabolites from bite of rats dosed glacuronidase) were separated by high performance liquid chromatography mg/kg of progabide B. The metabolites present in the hydrolysed samples (B (RPLC), and radioactivity was measured in the fractions by liquid scintiffation. FIG. 2. Separatio

Autoradiography

Autoradiography was performed in rats dosed intravenously or orally with progabide in the B (20 mg/kg) or O (1 mg/kg) form. At various time intervals from 15 min to 24 hr the animals were sacrificed, and sections were prepared according to conventional methods (3)

Plasma and Tissue Kinetics

The plasma kinetics of progabide and its acid metabolite were estimated in lhe mouse, hamster, rat, and baboon after intravenous or oral administration of 20 mg/kg of progabide B (1).

(4). In the rat, the brain regional distributions of progabide and of two of its The plasma levels of these compounds were measured by HPLC with elecfochemical detection according to the method described by Yonekawa et al. metabolites were also studied. The brain was dissected into nine structures ac-

HETABOLISM OF PROGABIDE

METABOLISM OF PROGABIDE

Inds were performed by HPLC with UV or electrochemical detection.

Human Studies

Balance and Metabolic Studies

X hundred milligrams of progabide B corresponding to 50 µCl were suscited in 0.5% hydroxypropylmethylcellulose and administered orally to three with youlunteers weighing, respectively, 89, 78, and 73 kg. Urine and fecess collected separately at intervals from 0 to 96 hr and analysed for total radication and quantification of the metabolites. Identification was period by gas chromatography—mass spectrometry (GC-MS) on the trimethally derivatives of the metabolites previously isolated by HPLC. The

Adjunctivity (liquid scintillation) in collected fractions.

Pharmacokinetic Profile in Healthy Volunteers

Pharmacokinetic Profile in Healthy Volunteers

Pharmacokinetic studies in healthy volunteers were conducted after oral advisitation of 600 mg of nonradioactive progabide to 76 subjects aged from 18

Pharmacokinetic studies in healthy volunteers were conducted after oral advisitation of 600 mg of nonradioactive progabide to 76 subjects aged from 18

Metabolism of unchanged progabide and its main metabolite.

Metabolism of Progabide in Animals and Man

Metabolism of Progabide in Animals in the four animal species. The pattern of ination differs from one species to another as indicated in Table 1. The light from one species to another as indicated in Table 1. The light diministered dose) but less important or minor in the other species (for eximal to 10.4 ± 1.0% in hamster).

In the complete of the interchaptic circulation of radioactivity may be suspected in these species.

served in the mouse, hamster, and baboon, whereas rat urinary elimination of adioactivity is significantly higher than after intravenous administration (re-After oral administration of progabide B (Table 2), similar results were ob-

2.5 ± 1.0 9.0 ± 9.58 6.5 ± 8.81 1.88 0.7 ± 1.64 0.7 ± 4.01 8.2 ± 8.87 1.81 7.81 20 20 100 2,4 ± 2,18 3,7 ± 0,48 3,5 ± 3,7 4,83 4,82 20 20 20 20 150 I noods8 25 (E = A) 18A 150 100 Hamster (n • 81 100 (8 = n) eguoM bina leceż, Feces. Urine (JU) (Incl/kg) (6y/6w) **2becies** Urina Duration Radioactivity 930() TABLE 1. Balance study following intravenous administration of "C-progabide (B form) to the mouse, hamster, rat, and beboon

°4.88 Baboon 2

The results are expressed as a cumulative percentage of the administered dose (individual values or mean \pm SE).

 				
nam bas, hoodad, tat, baboon, and man	*C-progabide (B form) to the mouse,	g oral administration of	siance study following	B .S 3J8AT

enhU . *seces *eulq	; Feces*	"eninU	nottenua (14)	Radioactivity (μCi√kg)	(mg/kg) Dose	Species
1.1 ± 8.58 40.0 ± 8.68 5.0 ± 8.79 41.68 47.48	7.0 ± 1.88 4.5 ± 8.11 6.8 ± 4.84 8.01	8.0 ± 8.78 1.6 ± 7.78 5.2 ± 6.94 7.34	48 120 72 120 120	001 001 001 00 20	20 20 20 20 20 20	Mouse (n = 9) Hamster (n = 4) Ha (n = 3) Ha (n = 3) Saboon † S noods8
8,87 1,48 6,48	8.8 2.7 8.9	7.48 6.83 5.85	90 96 96	92.0 18.0 88.0	7.7 7.7 2.8	лам Sлам Sлам Sлам

Pincluding radioactivity present in the cage-weeking liquids. COOR (Individual values of mean = 5c).

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METABOLISM OF PROGABIDE

perively, 49.3 ± 5.3% and 18.6 ± 2.3%. In man, the radioactivity associated with progebide B is mainly exceeded in urine, with 57 to 79% of the does recovered in urine, with 57 to 79% of the does recovered in urine, with 57 to 79% of the does recovered in urine, with 57 to 79% of the does recovered by the season of the complete total complete total complete, 6.5 to 3% of the does was found in the focas. The incomplete total complete total complete total complete of 5.6 dishiphing a conducted in rad and baboon with progabide G land that the fecal excretion was not complete during the sampling time.

Additional experiments conducted in rad and baboon with progabide G land 1 lands and fecal routes only accounted for part of the administered does, and completent amounts of 14.00, were found in the breath in both species.

Comparison of the results obtained with progabide I and G demonstrates be at a cleavage of the imine bond occurs during the metabolism of progabide, be and a cleavage of the imine bond occurs during the metabolism of progabide, and comparison of the results obtained with groups and the progabide of a cleavage of the imine bond cocurs during the metabolism of progabide, and cleavage of the imine bond cocurs during the metabolism of progabide, and comparison of the results obtained of the comparison of the sample of radioactivity differs according to the position of the cleavage of the imine bond occurs during the metabolism of progabide in during for the landsommation. The combination of these routes leads to 10 metabolites, as increasions are then incorporated into the intermediate of the amide group on the CABAmide side chain leads to acid of the sumite group on the CABAmide side chain leads to acid of the sumite group on the CABAmide side chain leads to acid of the sumite group on the CABAmide side chain leads to acid of the sumite group on the CABAmide side chain leads to acid the sumite during the sumite sumiter and the sumiter of the sumiter during the sumiter of the

These metabolites are eliminated mainly as their glucutoconjugate derivatives, but SL 79.182-00 was also observed in rat and baboon urine as a sulfoconjugate (SL 83.0625-00). The relative amounts of these metabolites in urine in bile are presented in Table 4.

Independent of the route of administration, unchanged progabide is only infininated in trace amounts. After intravenous administration of progabide, be ortho-dihydroxy metabolites account for 47, 43, and 29% of the administration. ered dose in the hamster, rat, and baboon, respectively, whereas after oral

reatment these metabolites are fairly less important (30, 8, and 8% in the same three species), In contrast, SL 79.182-00 resulting from the hydrolysis of the

inine bond is more abundant in the glucuro- or sulfoconjugated form after oral

The results are expressed as a cumulative percentage of the administered dose (individual values or mean ± SE).

32.6 (1 = 24 hr) 26.8 (14 >2 = 1) (14 OST = 1) (14 051 - 1)1,6 ± 0.84 (1,4 SY = 1) S.41 (1,4 0S.1 = 1) (26.9 (14 OST = 1) 6.8 50 50 (R) & noods8 3.0 ± 5.01 (14 ST = 1) 3.4 50 OZ. (M) I nooded (14 PS = 1) (14 ST = 1) 47.6 ± 1.8S 100 (E = a) 18A Radioactivity (پی⊆ا√kg) eastants in Expired "CO2" *8608F Urlne (6y/Bu) Species vadioactivity ason Realdual

TABLE 3. Balance study following intravenous edministration of 14C-progebide (G form) to the rat and beboon

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*CO2 was collected in a separate experiment.

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Chinery data Sum of unnery end billery data

dSum of glucuroconjugate and aulioconjugate (SL 83,0625-00).

* The results are expressed as a percentage of the administered dose.

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FIG. 3. Metabolic pathways of progabide in the mouse, hamster, ral, baboon, and man,

administration of progabide than after intravenous treatment (respectively, 38. and 15% in the hamster, 67 and 31% in the rat, and 55 and 32% in the baboon). transformation, occurring in the animal species during the absorption of the Except in the hamster, and in the mouse, where the corresponding metabo-This indicates that the cleavage of the imine bond is an important route of biolites account in urine for approximately 18% of the administered dose, C-5 hycompound.

Metabolic Pathways of Progabide in Man

droxylation appears to be a minor route of biotransformation.

The metabolic pathways of progabide in man are qualitatively and quantitatively similar to those observed in the animal species. The GABAmide 75.102-00. Both progabide and SL 75.102-00 are present in plasma in concenside chain of progabide is deamidated to yield an active carboxylic acid SL rations of the same order of magnitude.

The major metabolites found in urine result from the hydrolysis of the imine

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METABOLISM OF PROGABIDE

METABOLISM OF PROGABIDE

Ond and account for 55.6 to 75% of the administered dose. Among those melibolites, SL. 79.182-00, formed by laydrolysis of progabide, represents 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.20 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. Two hydroxylated derivatives are found in lower 5.10 ± 4.7% of the dose. This metabolite yields SL 82.0208-40, is excreted in small amounts 5.10 ± 4.2% of the dose. This metabolite yields SL 83.0277-40 on hydrolysis.

Explored the pointed out that the percentages given above for the uninary excrete in this study could not be micronised, and it is known from previous that micronisation minimises the hydrolysis of the imine bond in 5.20 the gastrointestinal tract. In conclusion, these results observed in man are in 5.20 the pharmacologically active acid derivative of progabide, 5.20 the pharmacologically active acid derivative of progabide, 5.20 of this metabolite is found at greater levels than progabide, but in hambarress and man, this metabolite is found at greater levels than progabide, but in hambarress in plasma than the four assingle dose.

ABLE 5. Companison of pharmacokinetic parameters calculated from plasma concentions of progabide and SL 75,102-00 after oral administration of progabide to four animals of progabide to four animal species (20 mg/kg) or man (600 mg)

AUC SL 75.102-00/AUC progabida 3.6 0.9* 5.1 0.8	
6775,102-00 (hr) (hr) (hr) (hr) (hr) (hr) (hr) (hr)	
4,72 progabide (hr) (hr) 0.2 0.5 0.4 0.6 3.1	
See	c

^b SL 75,102-00 was detected in trace amounts in baboon Value calculated after 200 mg/kg.

METABOLISM OF PROGABIDE

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Distribution Studies in the Rat

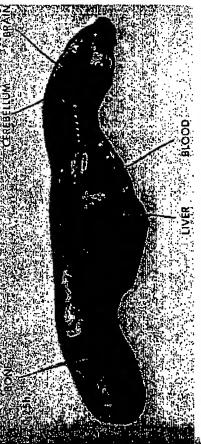
lutoradiography

verse phenomenon is observed, with persistence of radioactivity in the white radioactivity is homogeneously distributed throughout the organism with good peactration of radioactivity into the brain (Fig. 4). It is interesting to note that at very short times after intravenous administration of progabide, radioactivity is preferentially located in the grey matter and then from 0.25 to 2 hr the in-The autoradiographic studies conducted in rats demonstrate the overall disinbution and elimination of progabide together with its radioactive metabolites. At short times after intravenous administration of progabide B, matter. Elimination of radioactivity occurred quite rapidly, and no accumulation of radioactive material in tissue was observed.

served with persistence of radioactivity in tissues 24 hr after administration of the compound. This is related to the release of GABA or GABAmide resulting from the cleavage of the imine bond of progabide and related metabolites and After administration of progabide G, a completely different picture is obtheir incorporation into the intermediate metabolism.

Irain Regional Distribution of Progabide and Two Metabolites

Additional studies conducted in rat demonstrated the presence of progabide and SL 75.102-00 (active acid metabolite) in the brain. It is of interest to note that brain radioactivity after administration of progabide B can be quantita-SL 75.102-00, and SL 79.182-60. In contrast, after administration of progabide G, the sum of proga tively explained by the presence of progabide,



RG. 4. Whole-body autoradiography of a mate rat 15 mln after intravenous adminis-tration of 20 mg/kg of ¹⁴C-progabide B (100 pCi/kg).

METABOLISM OF PROGABIDE

bide and SL 75.102-00 does not account for the brain radioactivity, demonstrating the presence of GABA or related compounds in the brain.

Finally, the regional distribution of progabide and SL 75.102-00 in discrete areas of the brain demonstrated a preferential localisation together with a different pattern of distribution of these two compounds in the central nervous system (Fig. 5). Progabide appeared to be more abundant in the cortex, thalanus, cerebellum, and pons, whereas SL 75.102-00 was more densely distributed in cortex, bippocompus, and thalamus. This distribution was observed from 5 min and persisted up to 2 hr after the administration of progabide.

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CONCLUSION

The description of the metabolic fate of progabite presented in this chapter indicates that the compound is metabolised in the mouse, hamster, rat, baboon, and man via the same pathways: deamidation, cleavage of the imine bond, and hydroxylation of the benzophenone moiety (C-3 or C-5 position).

The possible combinations of these reactions may lead to 10 metabolites, which are excreted rapidly in urine and bile, mainly as their conjugates. As usual, biliary elimination appeared to be predominant in the rat but fairly less important in other species (especially in hamster and man). In all species, the importance of the hydrolysis of the imine bond was demonstrated. Kinetic experiments performed in all of these species showed the presence of progabide and of an active metabolite (SL 75.102-00) in blood. Moreover, studies performed in rat made it possible to observe these two active molecules in the brain of the animals in areas known to be involved in the genesis and the spreading of seizure activity. This suggest that in addition to the intrinsic activity of progabide, SL 75.102-00 may participate to some extent in the overall activity of the compound.

ACKNOWLEDGMENT

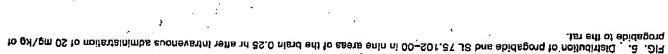
The authors wish to thank Mrs. Beauvallet for her excellent technical assisnance.

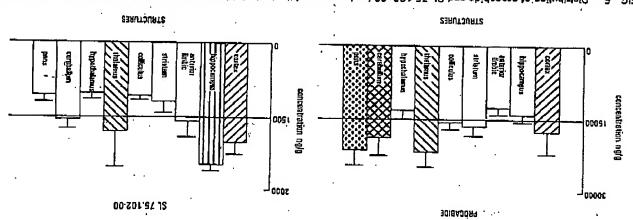
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